

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SANTA CLARA LAND COMPANY,
LTD.

Plaintiff,

v.

PITTSBURGH LOGISTICS SYSTEMS,
INC.,

Defendant.

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Civil Action Number: 5:19-cv-00567

NOTICE OF REMOVAL OF CIVIL ACTION

To the Honorable Judges of the United States District Court for the Western District of Texas:

I.

1. PITTSBURGH LOGISTICS SYSTEMS, INC. (“*Defendant*”) is the defendant in the civil action brought on April 25, 2019, in the 408th Judicial District Court of the State of Texas, County of Bexar, entitled *Santa Clara Land Company, LTD. vs. Pittsburgh Logistics Systems, Inc.*, Cause No. 2019CI08399. Santa Clara Land Company LTD.’s (“*Plaintiff*”) Original Petition is attached as **Exhibit A**. The citation was issued on April 29, 2019, and is attached as **Exhibit B**. On May 6, 2019, the summons was served on Defendant’s registered agent, Registered Agent Solutions, Inc., and is attached as **Exhibit C**. Defendant did not file an answer. The state court docket sheet is attached as **Exhibit D**. The attachments constitute all processes and pleadings served in the state court action. Attached as **Exhibit E** is the Index of Matters Being Filed and **Exhibit F** is the List of all Counsel of Record.

II.

2. This notice of removal is filed within 30 days of receipt of the petition and is timely filed under 28 U.S.C. § 1446(b).

III.

3. The district courts of the United States have original jurisdiction over his action based on diversity of citizenship among the parties as Defendant is now and was at the time the action was commenced diverse in citizenship from Plaintiff. Defendant is not nor was at the time the state court suit was commenced a citizen of the State of Texas.

4. Specifically, Defendant is a Pennsylvania corporation. A corporation is deemed citizen of the State by which it has been incorporated, and of the State where it has its principal place of business. 28 U.S.C. § 1132(c)(1). Defendant is incorporated in the Commonwealth of Pennsylvania, and has had its principal place of business located in Cranberry Township, Pennsylvania, at all times relevant to this action. Therefore, Defendant was at the time the action was commenced and is now a citizen of the Commonwealth of Pennsylvania but not of the State of Texas.

IV.

5. The amount in controversy in this action exceeds, exclusive of interest and costs, the sum of \$75,000. In Plaintiff's Original Petition, Plaintiff alleges that Defendant defaulted on a commercial lease agreement between Plaintiff and Defendant when Defendant failed to pay rent and other monies owed under the lease agreement to Plaintiff. Exhibit A. at ¶ 6-7.

V.

6. Removal of this action is therefore proper under 28 U.S.C. § 1441, because it is a civil action brought in state court, and the federal district courts have original jurisdiction under 28

U.S.C. § 1332, because the Plaintiff and Defendant are diverse in citizenship and because the contents of the Petition demonstrate, by a preponderance of the evidence, that the amount in controversy exceeds \$75,000.

7. WHEREFORE, Defendant, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, remove this action for trial from the 408th Judicial District Court of the State of Texas, County of Bexar, to this Court on the 28th day of May, 2019.

Dated: May 28, 2019

Respectfully submitted,

DLA PIPER LLP (US)

By: /s/ Christina E. Ponig

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*ATTORNEY FOR DEFENDANT
PITTSBURGH LOGISTICS SYSTEMS, INC.*

Certificate of Service

I certify that the foregoing was served via the Court's electronic ECF/CMEF system on all counsel of record on May 28, 2019.

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/s/ Christina E. Ponig
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